



IN THE  
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Carbone, et al.

Confirmation No.: 1778

Application No.: 10/658,510

Examiner: Robert R. Raevis

Filing Date: Sept. 8, 2003

Group Art Unit: 2856

Title: METHODS FOR SAMPLING AND TESTING DATA CENTERS FOR METALLIC PARTICULATES

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

**TERMINAL DISCLAIMER**  
**RESPONSIVE TO A DOUBLE PATENTING REJECTION**

Sir:

Petitioner, Hewlett-Packard Development Company, L.P. is the owner of 100 percent interest in the instant application. Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173 as shortened by any terminal disclaimer of prior Patent No. 6,651,521 to Hewlett-Packard Development Company, L.P. which issued on Nov 25, 2003 and is commonly owned by Petitioner. Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

For submissions on behalf of an organization (e.g., corporation), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

submit the enclosed terminal disclaimer to overcome the judicially created doctrine of double patenting rejection.

Applicants now submit that claims 1-23 are allowable and respectfully requests that all rejections be withdrawn.

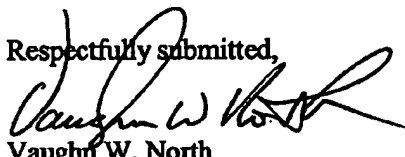
### CONCLUSION

In view of the foregoing, Applicants believe that the present patent application is in condition for allowance and allowance thereof is respectfully requested. Therefore, Applicants request that the rejections be withdrawn, and that the claims be allowed and passed to issue. If any impediment to the allowance of these claims remains after entry of this Amendment, the Examiner is strongly encouraged to call Vaughn North at (801) 566-6633 so that such matters may be resolved as expeditiously as possible.

The Commissioner is hereby authorized to charge any additional fee or to credit any overpayment in connection with this Amendment to Deposit Account No. 08-2025.

DATED this 9<sup>th</sup> day of June, 2004.

Respectfully submitted,



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